

Application No. 10/689,465
Amendment filed August 12, 2004
Reply to Office Action mailed May 12, 2004

Attorney Docket No. 033680-001
Page 5 of 7

Remarks

Claims 9 and 11-17 are pending, with claim 9 being in independent form. By the present amendment, claims 1-8 and 10 have been canceled without prejudice or disclaimer.

As a preliminary matter, the Examiner has returned form PTO-1449 of the Information Disclosure Statement mailed April 14, 2004 without initialing the boxes adjacent to the listed documents. The Examiner has indicated that the documents were separated from the Information Disclosure Statement. A postcard showing that the documents were received at the Patent and Trademark Office is attached. Another copy of the Information Disclosure Statement with the form PTO-1449 and documents is also provided herewith. The Examiner is again respectfully requested to return an Examiner-initialed copy of form PTO-1449 to the undersigned.

In the Office Action, claims 9-13, 15, and 17 stand rejected for obviousness over U.S. Patent No. 3,988,052 to Mooney et al. ("Mooney") in view of U.S. Patent No. 4,189,198 to Reichman, claim 14 over Mooney and Reichman in view of U.S. Patent No. 2,116,776 to Bondeson, and claim 16 over Mooney and Reichman in view of U.S. Patent No. 4,159,859 to Shemtov.

Applicant describes a clamping apparatus for electrically connecting at least a first ground wire to a grounding member. The apparatus includes, among other things, a bottom clamping member comprising a bottom medial portion and first and second threaded holes on first and second sides of the bottom medial portion for accepting first and second screws, respectively. A top clamping member cooperates with the bottom clamping member and includes a top medial portion aligned to cooperate with the bottom medial portion and corresponding first and second holes on first and second sides, respectively, of the top medial portion that correspond to the threaded holes. A trough includes a base wall and a first and second side wall and is attached to the top medial portion of the top clamping member on a side opposite the bottom clamping member. The first sidewall has a threaded hole and a set screw adapted to tighten against the second sidewall and the trough is arranged with an opening between the first and second sidewall. The set screw is positioned such that when the first ground wire is positioned in the trough, the set screw can be

Application No. 10/689,465
Amendment filed August 12, 2004
Reply to Office Action mailed May 12, 2004

Attorney Docket No. 033680-001
Page 6 of 7

tightened to apply pressure so that the first ground wire is secured between the set screw and the second sidewall.

As shown in Figure 1 of the application, the set screw 140 extends outside the trough to prevent the removal of one of the first and second screws 130. That is, when the set screw is "backed-out" to allow a ground wire to be positioned in the trough opening 170, the set screw 140 is positioned above the screw 130 (on the right in the figure), thus preventing the ability to remove the screw 130. A side view showing this arrangement is shown in Figure 2.

This arrangement offers the advantage of preventing the removal of the clamp from the grounding member unless the ground wire is first removed and the set screw is tightened (or removed). Accordingly, to prevent the removal of the clamp, i.e., to make the clamp tamper proof, one need only prevent the removal of the set screw. For example, for removal of the set screw, one can require the use of specialized tool that is not widely available. Conventional first and second screws can then be used while still providing tamper proof properties to the clamp.

It is well established that the cited documents must teach or suggest all of the claim limitations to establish a prima facie case of obviousness. The obviousness rejections cannot stand at least because the cited document(s) fails to teach or suggest all of the claim limitations. Motivations to combine the cited documents and reasonable expectations of successful combinations would also be absent, but it should be sufficient to point out the absent limitations.

None of the cited documents, alone or in combination, disclose or suggest a "set screw extends outside the trough to prevent the removal of one of the first and second screws," as defined by claim 9. Nowhere in the cited documents is it disclosed or suggested that a screw applying pressure to the ground wire prevents the removal of a screw that holds the clamp on the grounding member.

Accordingly, since the cited documents fail to disclose or suggest all of the claim limitations for at least the above reasons, the obviousness rejections of claim 9 should be withdrawn. In addition, the obviousness rejections of dependent claims 11-17 should be withdrawn for at least the same reasons.

Claims 11-17 are considered allowable for additional reasons as well. For example, claim 15 defines the set screw as having a rounded end for applying

Application No. 10/689,465
Amendment filed August 12, 2004
Reply to Office Action mailed May 12, 2004

Attorney Docket No. 033680-001
Page 7 of 7

clamping pressure against the first ground wire. The Examiner contends that this feature is obvious and offers no motivation, stating simply that it would have been a matter of engineering design choice. Applicants disagree.

Applicants respectfully traverse this contention and request that the Examiner cite a reference to support the assertion that the use of rounded screw ends for ground clamps is simply design choice so that the true content of the prior art can be properly evaluated within the context of the field of the claimed invention.

The rounded end of the set screw allows the use of stranded wire for the ground wire while minimizing the possibility of breaking the individual strands of the wire by applying pressure with a set screw that would otherwise have a sharp edge at the end. This feature is inventive, since it has not been disclosed or suggested in ground clamp design to the best of Applicants' knowledge and is therefore more than merely a design choice.

For the foregoing reasons, Applicants consider the application to be in condition for allowance and respectfully request notice thereof at an early date. The Examiner is encouraged to telephone the undersigned at the below-listed number if, in the Examiner's opinion, such a call would aid in the examination of this application.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 

Theodoros Thomas
Registration No. 45,159

P.O. Box 1404
Alexandria, Virginia 22313-1404
(919) 941-9240

Date: Aug 12, 2004

I hereby certify that this correspondence is being filed by facsimile transmission to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, to facsimile number 1.703.872.9306 on this date, Aug. 12, 2004, by Sandra B. Paye
Sandra B. Paye